

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PATRICK BRERETON,

Plaintiff,

v.

**Civil No. 1:02-CV-1402
(DNH/RFT)**

**UNUMPROVIDENT CORPORATION,
et al.,**

Defendants.

**RANDOLPH F. TREECE
United States Magistrate Judge**

ORDER

The discovery deadline expired on March 15, 2004, with the exception of expert disclosure. *See* Dkt. No. 21, Order dated Feb. 10, 2004. Within the authorized time frame, the Plaintiff raises two discovery disputes which require court intervention. James E. Hacker Esq., Lt. dated March 4, 2004. The Defendant filed a letter-memorandum in opposition to the Plaintiff's request. Stuart Klein, Esq., Lt. dated March 11, 2004. Thereafter, a telephone conference, which was on the record, was held on March 19, 2004. Based upon the substance of each letter-memorandum and the arguments made during the telephone conference, and due deliberation being given to each issue, the Court's decision and order shall be as follows:

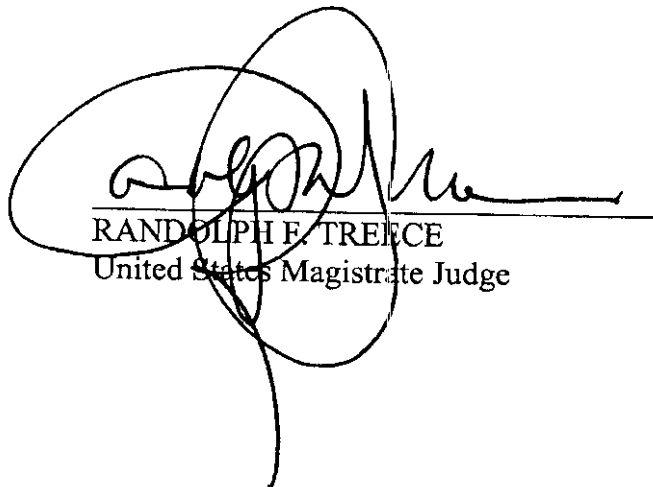
IT IS ORDERED, that the Defendant shall provide the stock option plan and incentive bonus plans for the year 2001 as they may pertain to Edward Dziwietin and Sharon Deraney only, if such plans existed at that time, to the Plaintiff. If either or both the stock option plan and

incentive bonus plans for Mr. Dziewietin and Ms. Deraney did not exist for the year 2001, the Defendant shall inform the Plaintiff of their nonexistence by a letter. In the event, there was an incentive bonus plan for either or both Mr. Dziewietin and Ms. Deraney for the year 2001, the Defendant shall disclose to the Plaintiff the bonus received by these employees as such bonus may relate to the business year ending on December 31, 2001. The production of copies of the stock option plan(s) and incentive bonus plan(s) and the bonus information, should they exist, shall be disclosed within fifteen (15) days of the date of this Order; and it is further

ORDERED, that the Plaintiff's Motion to be provided with "all training material concerning testifying at depositions or trial" which may have been shared or provided to Drs. Brown and Ursprung is **Denied**.

SO ORDERED.

Albany, New York
March 22, 2004.



RANDOLPH F. TREECE
United States Magistrate Judge